

No. 5:06-CR-100-FL
No. 5:08-CV-435-FL

Respondent.

ORDER

judge of the court proposed findings of fact and recommendations for the disposition” of a variety of motions, including motions for summary judgment. 28 U.S.C. § 636(b)(1)(A)-(B). Upon careful review of the record, “the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The court is obligated to make *de novo* determinations of those portions of the M&R to which objections have been filed. Id.; see also Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Here, petitioner makes no objection to the magistrate judge's well-considered recommendation. Upon review of the M&R, parties' respective briefing, the relevant case law, the affidavit of petitioner's defense attorney Christopher James Locascio, and the transcript of petitioner's sentencing proceedings (DE # 97), the court finds the magistrate judge has adeptly recounted the applicable law regarding ineffective assistance of counsel claims, and correctly concluded that petitioner has fallen far short of making the requisite showing to sustain such a claim here.

Accordingly, the court ADOPTS the M&R as its own, and for the reasons stated therein, the government's motion for summary judgment (DE # 84) is GRANTED, and petitioner's motion to vacate (DE # 72) is DENIED. Petitioner's earlier submitted motion to vacate (DE # 68) is DENIED as moot. The clerk of court is directed to close this case.

SO ORDERED, this the 20th day of July, 2009.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is fluid and cursive, with the first name "Louise" being the most prominent part.

LOUISE W. FLANAGAN
Chief United States District Judge